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| EXAMINER |
|---|
| ZHONG, JUN FEI |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | Application No. | Applicant(s) |
| | 10/808,136 | JOHNSON, DAN SCOTT |
| **Office Action Summary** | Examiner | Art Unit | |
| | JUN FEI ZHONG | 2426 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)☒ Responsive to communication(s) filed on _06 February 2009_.
2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)☒ Claim(s) _1-6,8-12,14-19 and 21-33_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-6,8-12,14-19 and 21-33_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1.      A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on

2/6/2009 has been entered.

### *Response to Amendment*

2.      This action is responsive to an Amendment filed 2/6/2009. Claims 1-6, 8-12, 14-

19, 21-33 are pending. Claims 1, 12, 17, 26, 29 are amended.

### *Response to Arguments*

3.      Applicant's arguments with respect to claims 1-6, 8-12, 14-19, 21-33 have been

considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

4.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.      Claims 1-6, 8-12, 14-19, 21-25, and 29-33 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Farrand (Pub # US 20030193619) in view of West et al.

(Patent # US 6971121, patent # 7194563 and pub # 2003/0106064 are incorporated

references), further in view of Margulis (Patent # US 6263503), and further in view of

Liebenow (Patent # US 6131136).


        As to claim 1, Farrand discloses an audio/video (A/V) component networking

system (Fig. 2a), comprising:

        a sink component (e.g., distributed multimedia node 192; Fig. 2a) adapted to be

communicatively coupled between a source component (e.g., home media server 110)

and a presentation device (e.g., television 171) for displaying A/V program data and an

A/V menu data stream associated with the source component on the presentation

device based on a user request transmitted from the sink component to the source

component (e.g., displaying EPG; Fig. 15a and 15b) (see paragraph 0062, 0064, 0147-

0148), the sink component adapted to one of a plurality of communication networks

(e.g., wire or wireless network interface) for obtaining the A/V program data and the A/V

menu data stream from the source component (see paragraph 0059, 0061).

        a data manager (e.g., ASIC) that automatically transfers the A/V program data

between a memory and an archival storage system (i.e., ASIC is a bridge device

between memory 201 and mass storage 230; Fig. 2b, 8C) (see paragraph 0043-0045,

0047, 0116-0118).

Farrand fails to disclose the data manager that automatically transfers the A/V

program data based on relationships between the A/V program data, and the data

manager automatically identifying related A/V program data based on header data or

recordation time and automatically transferring the related A/V program data without the

user request.

West discloses a data manager (e.g., controller 379; Fig. 3A) that automatically

transfers the A/V program data based on relationships between the A/V program data

(i.e., transmitting files between temporary and permanent space), and the data manager

automatically identifying related A/V program data based on header data or recordation

time and automatically transferring the related A/V program data without the user

request (i.e., the system determine the buffer size and when to transfer) (see col. 11,

lines 37-42; col. 17, lines 14-48; col. 19, line 5-col. 21, line 19).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have a data flow controller as taught by West to the home

network system of Farrand in order to effectively and efficiently accessing/recording

file/video in storage.

Farrand and West fail to disclose select the available types of communication

networks based on a type of the source component.

Margulis discloses select the available types of communication networks based

on a type of the source component (e.g., using coax for television, using USB 632 to

communicate with a personal computer, using control bus 634 to communicate HAVI

compatible devices, using WAN 658 to access digital A/V data from internet; base

station transmits these data to a remote display) (see col. 9, line 35-col. 10, line 57; Fig. 1, 5, 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the network based on source as taught by Margulis to the home network system of Farrand as modified by West in order to effectively and efficiently implements a flexible wireless television system that utilizes various heterogeneous components to facilitate optimal system interoperability and functionality (see col. 3, lines 11-16).

Farrand and Margulis fail to specifically disclose automatically select a communication network.

Liebenow discloses automatically selecting a communication networks (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the home network system of Farrand as modified by West and Margulis because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 12, Farrand discloses an audio/video (A/V) component networking system (Fig. 2a), comprising:

means for transmitting (e.g., communication modules 240-245 communicating other devices over network 190; Fig. 2b), via a sink component (e.g., distributed

multimedia node 192; Fig. 2a) communicatively coupled between a source component

(e.g., home media server 110) and a presentation device (e.g., television 171), A/V

program data and an A/V menu data stream from the source component to the

presentation device based on a user request transmitted from the sink component to the

source component (e.g., user selects a channel on EPG; Fig. 15a and 15b) (see

paragraph 0064, 0147-0148; Fig. 2b);

means for (e.g., ASIC) automatically transferring the A/V program data between

a memory and an archival storage system (i.e., ASIC is a bridge device between

memory 201 and mass storage 230; Fig. 2b, 8C) (see paragraph 0043-0045, 0047,

0116-0118).

West discloses means for (e.g., controller 379; Fig. 3A) automatically transferring

the A/V program data between a memory and an archival storage system based on

relationships between the A/V program data (i.e., transmitting files between temporary

and permanent space) (see col. 17, lines 14-48;), the means for automatically

transferring including:

means for automatically identifying related A/V program data based on header

data or recordation time (see col. 11, lines 37-42); and

means for automatically transfers the related A/V program data without the

user request (i.e., the system determine the buffer size and when to transfer) (see col.

19, line 5-col. 21, line 19).

Margulis discloses means disposed on the sink component for selecting at least

one of a plurality of available types of communication networks for communicating

between the sink component and the source component based on a type of the source

component (e.g., using coax for television, using USB 632 to communicate with a

personal computer, using control bus 634 to communicate HAVI compatible devices,

using WAN 658 to access digital A/V data from internet; base station transmits these

data to a remote display) (see col. 9, line 35-col. 10, line 57; Fig. 1, 5, 6)

Liebenow discloses automatically selecting a communication networks (e.g., wire

or wireless network) (see abstract).

As to claim 17, this claim differs from claim 12 only in that claim 17 is method

whereas claim 12 is apparatus.  Thus, claim 17 is analyzed as previously discussed

with respect to claim 12 above.

As to claim 29, Farrand discloses an audio/video (AV) component networking

system, comprising:

a sink component (e.g., distributed multimedia node 192; Fig. 2a) configured to

be communicatively coupled between a source component (e.g., home media server

110) and a presentation device (e.g., television 171) for displaying A/V program data

associated with the source component on the presentation device based on a user

request transmitted from the sink component to the source component (e.g., user

selects a channel on EPG; Fig. 15a and 15b) (see paragraph 0064, 0147-0148; Fig.

2b),

a data manager (e.g., ASIC) that automatically transfers the A/V program data

between a memory and an archival storage system ((i.e., ASIC is a bridge device

between memory 201 and mass storage 230;  Fig. 2b, 8C) (see paragraph 0043-0045,

0047, 0116-0118).

West discloses a data manager (e.g., controller 379; Fig. 3A) that automatically

transfers the A/V program data based on relationships between the A/V program data

(i.e., transmitting files between temporary and permanent space), and the data manager

automatically identifying related A/V program data based on header data or recordation

time and automatically transferring the related A/V program data without the user

request (i.e., the system determine the buffer size and when to transfer) (see col. 11,

lines 37-42; col. 17, lines 14-48; col. 19, line 5-col. 21, line 19).

Margulis discloses the sink component configured to automatically select from at

least two different types of communication networks for transferring the A/V program

data from the source component based on a type of A/V program data desired from the

source component (e.g., using coax for television, using USB 632 to communicate with

a personal computer, using control bus 634 to communicate HAVI compatible devices,

using WAN 658 to access digital A/V data from internet; base station transmits these

data to a remote display) (see col. 9, line 35-col. 10, line 57; Fig. 1, 5, 6)

Liebenow discloses automatically selecting a communication networks (e.g., wire

or wireless network) (see abstract).

As to claim 2, Farrand discloses sink component (e.g., distributed multimedia node 192; Fig. 2a).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

As to claim 3, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module (e.g., network interface 605) adapted to register a type of communication network for communicating with the source component (e.g., home media server 110) (i.e., network interface 605 communicates with home media server 110 through network 190, a initiation must make, such as "handshake" (register a network for communication) to notify the home media server 110 in order to establish the connection) (see paragraph 0061).

As to claim 4, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module (e.g., network interface 605) adapted to register the source component with the sink component (e.g., distributed multimedia node 192) (i.e., network interface 605 communicates with home media server 110 through network 190, a initiation must make, such as "handshake" (register a network for communication) to notify both end in order to establish the connection) (see paragraph 0061).

As to claim 5, Farrand discloses the system of claim 1, wherein the sink component is adapted to present to the user a listing of the A/V program data available from the source component (see paragraph 0064).

As to claim 6, Farrand discloses the system of claim 1, wherein the sink component comprises a registration module adapted to register the presentation device with the sink component (i.e., ASIC 620 outputting video and audio signals to different devices, there is an identification (registration) for each device in order for the network to notify it) (see paragraph 0061, 0082).

As to claim 8, Farrand discloses the system of claim 1, wherein the sink component comprises a network manager (e.g., ASIC 620) adapted to at least one of a plurality of available types of communication networks based on a type of the A/V program data (e.g., selects RF or Ethernet as the network interface) (see paragraph 0057, 0059-0062, 0121, 0122).

Liebenow discloses automatically selecting at least one of a plurality of different types of communication networks (e.g., wire or wireless network) (see abstract).

As to claim 9, Farrand discloses the system of claim 1, wherein the sink component is adapted to present to the user on the presentation device a listing of the A/V program data available from the source component (see paragraph 0064).

As to claim 10, Farrand discloses the system of claim 1, wherein the sink

component is adapted to decode the A/V program data for presentation on the

presentation device (e.g., MPEG-2 decoder 630 decodes data from home media server

110) (see paragraph 0061).

As to claim 11, Farrand discloses the system of claim 1, wherein the sink

component is adapted to display to the user via the presentation device a menu

interface associated with the source component (e.g., the data from TV broadcasting or

mass storage device) (see paragraph 0064).

As to claims 14, it contains the limitations of claim 8 and is analyzed as

previously discussed with respect to claim 8 above.

As to claims 15 and 21, they contain the limitations of claim 3 and are analyzed

as previously discussed with respect to claim 3 above.

As to claim 16, it contains the limitations of claim 4 and is analyzed as previously

discussed with respect to claim 4 above.

As to claim 18, claim 17 meets the limitations.

As to claim 19, it contains the limitations of claim 2 and is analyzed as previously discussed with respect to claim 2 above.

As to claim 22, it contains the limitations of claim 5 and is analyzed as previously discussed with respect to claim 5 above.

As to claim 23, it contains the limitations of claim 9 and is analyzed as previously discussed with respect to claim 9 above.

As to claim 24, it contains the limitations of claim 10 and is analyzed as previously discussed with respect to claim 10 above.

As to claim 25, it contains the limitations of claim 11 and is analyzed as previously discussed with respect to claim 11 above.

As to claim 30, Farrand discloses the system of claim 1, wherein the data manager automatically transfers the A/V program data based on a storage capacity of the memory (e.g., outputs data when buffer is full) (see paragraph 0118; Fig. 8c).

As to claim 31, West discloses the system of claim 1, wherein the data manager automatically transfers the A/V program data after a predetermined time period of inactivity (e.g., deleting TSB) (see col. 19, lines 23-34).

As to claim 32, Farrand discloses the system of claim 1, further comprising an

aggregator (e.g., index module) that aggregates multiple A/V program data available

from multiple source components so that a user can select the A/V program data

without identifying a corresponding source component (see paragraph 0120).

As to claim 33, Farrand discloses the system of claim 32, wherein the user can

control menu features and operations associated with the A/V program data without

knowledge of a location of the A/V program data (see paragraph 0120).

6.      Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Francis

et al (Pub # US 2004/0187152) in view of West et al. (Patent # US 6971121, patent #

7194563 and pub # 2003/0106064 are incorporated references).

As to claim 26, Francis discloses an audio/video (A/V) component networking

system (e.g., system 1200; Fig. 12), comprising:

a sink component (e.g., PVR 120; Fig. 6) configured to be communicatively

coupled between a plurality of source components (e.g., PVR 115 and devices from

other zone) and a presentation device (e.g., TV 110) for displaying an aggregated listing

of available A/V program data associated with the plurality of source components on the

presentation device such that the location of the A/V program data remains transparent

to the user (e.g., display video content list from other devices) (see paragraph 0064-0065, 0073, 0092-0099).

Francis does not specifically disclose a data manager.

West discloses a data manager (e.g., controller 379; Fig. 3A) that automatically transfers the A/V program data based on relationships between the A/V program data (i.e., transmitting files between temporary and permanent space), and the data manager automatically identifying related A/V program data based on header data or recordation time and automatically transferring the related A/V program data without the user request (i.e., the system determine the buffer size and when to transfer) (see col. 11, lines 37-42; col. 17, lines 14-48; col. 19, line 5-col. 21, line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a data flow controller as taught by West to the home network system of Farrand in order to effectively and efficiently accessing/recording file/video in storage.


7.      Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Francis et al (Pub # US 2004/0187152) in view of West et al. (Patent # US 6971121, patent # 7194563 and pub # 2003/0106064 are incorporated references), further in view of Farrand (Pub # US 20030193619), further in view of Liebenow (Patent # US 6131136).

As to claim 27, note the discussion above, Francis discloses multiple communication networks (see paragraph 0035).

Francis and West do not specifically disclose automatically switch communication networks.

Farrand discloses the sink component is configured to switch from a first type of communication network to a second type of communication network (e.g., wire and wireless network) based on a signal condition on the first type of communication network (e.g., device outside of wireless RF transmission rage) (see paragraph 0058-0061).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to switch communication network as taught by Farrand to the home network system of Francis as modified by West because when a device outside of wireless communication range, the device could communicate with wire without lose communication (see col.2, lines 5-8).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the automatically network switch as taught by Liebenow to the home network system of Francis as modified by West and Farrand because both of the functions are performed without intervention by the user, and more easy to use (see col.2, lines 5-8).

As to claim 28, Francis discloses multiple communication networks (see paragraph 0035).

Farrand discloses the sink component is configured to switch from a first type of communication network to a second type of communication network (e.g., wire and wireless network) based on a change in the AV program data being transmitted from the source component (e.g., switch to wire connection if transmitting data to a large bandwidth require device) (see paragraph 0058-0061).

Liebenow discloses automatically change from the selected type of communication network to another type of communication network (e.g., wire or wireless network) (see abstract).

## *Conclusion*

8.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kou et al. (Pub # US 2002/0078293 A1) is cited to teach controlling home network devices.

McCoskey et al.  (Pub # US 2003/0028889 A1) is cited to teach aggregating video in home network.

Callway et al.  (Pub # US 2003/000027517 A1) is cited to teach using different transmitter based on data rate.

Demas et al.  (Patent # US 7174085) is cited to teach buffering video in a PVR.

## *Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
4/7/2009

/VIVEK  SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2426